

# DECLARATION FOR PATENT APPLICATION

Docket Number: PHA-007.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## *Transgenic Plants Incorporating Trait of Zostera Marina*

the specification of which (check one)

( ) is attached hereto.

(X) was filed on May 10, 2001 as United States Application Number or PCT International Application Number 09/854,122, and was amended on N/A (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56 and § 1.63(e).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

( ) Yes ( ) No

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

( ) Yes ( ) No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

60/202,529 May 10, 2000  
(Application Number) (Filing Date)

\_\_\_\_\_  
(Application Number) (Filing Date)

\_\_\_\_\_  
(Application Number) (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status - patented, pending, abandoned)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status - patented, pending, abandoned)

**RECEIVED**

*MT* 8/20  
AUG 20 2001

PATENT DEPT.  
DOCKETING

I hereby appoint Beth E. Arnold, Reg. No. 35,430; Isabelle M. Clauss, Reg. No. 47,326; Kirk Dammon, Reg. No. 42,461; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 44,719; Robert A. Mazzaresse, Reg. No. 42,852; James T. Olesen Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,049; Chinh H. Pham, Reg No. 39,329; John Quisel, Reg. No. P-47,874, Kingsley L. Taft, Reg. No. 43,946; Anita Varma, Reg. No. 43,221; and as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to: James T. Olesen, Ph.D.  
Address all correspondence to: Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, Ma. 02109-2170  
Customer ID No: 25181

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Randall S. Alberte  
Inventor's signature *Randall S. Alberte* Date 16 Aug 01  
Residence: 418 Middle Road, Falmouth, ME 04105 Citizenship: U.S.  
Post Office Address Same as above

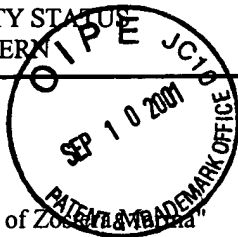
## Additional Inventors:

Full name of second joint inventor (given name, family name) Robert Smith  
Inventor's signature *Robert Smith* Date 8/16/01  
Residence 59 Hardy Road, Falmouth, ME 04105 Citizenship: U.S.  
Post Office Address Same as above

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)  
PHA-007.01

Applicant or Patentee: Alberte et al.  
Serial or Patent No.: Not yet assigned  
Filed or Issued: May 10, 2001



Title: "Transgenic Plants Incorporating Trait of Zostera marina"

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Phycogen, Inc.  
ADDRESS OF SMALL BUSINESS CONCERN 360 U.S. Route One, Falmouth, ME 04105

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern with would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Randall S. Alberte  
TITLE OF PERSON IF OTHER THAN OWNER Chief Scientist  
ADDRESS OF PERSON SIGNING 360 U.S. Route One, Falmouth, ME 04105

SIGNATURE

*Randall S. Alberte*

DATE

*22 May 2007*